

Department of Public Health  
and Human Services

Section:  
NONFINANCIAL REQUIREMENT

TANF CASH ASSISTANCE

Subject:  
Child Support Good Cause Claim

**Supersedes:** TANF 306-2 (01/01/06)

**References:** 45 CFR 264.30, ARM 37.78.102 and .215

GENERAL RULE—An applicant or participant has the right to claim good cause as an exception to the child support enforcement requirement.

### **GOOD CAUSE NOTICE**

Every applicant or participant receives written notice of the right to claim good cause (HCS-333, "Good Cause Notice", which is attached to Form HCS/CS-332, "Child Support Enforcement Referral"). This notice includes the specific circumstances under which a claim may be made and the respective responsibilities of the participant and the state agency in the procedures for filing, developing, acting upon, and appealing a claim.

The notice must be signed and dated by the individual and the Eligibility Case Manager. A copy is given to the participant and the original filed in the case record.

The applicant/participant may claim good cause if pursuit of child support may be "against the best interests of the child" and only if the applicant's or participant's cooperation to assist the State is reasonably anticipated to result in:

1. Physical or emotional harm to the child or caretaker relative; or
2. At least one of the following circumstances exists:
  - a. The child for whom support is sought was conceived as a result of incest or forcible rape;
  - b. Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction; or
  - c. The applicant or recipient is currently being assisted by a public or licensed private social services agency to resolve the issue of whether to keep the child or relinquish him/her for adoption, and the discussions have not gone on for more than three (3) months.

If the applicant/participant claims good cause, the application will be pending until the claim has been approved, denied or withdrawn. Pending status cannot exceed 30 days.

The good cause determination is based on the corroborative evidence provided by the participant. The participant must:

1. State the circumstances upon which the claim is based;
2. Provide corroborative evidence within 20 days from the day the claim was made; and

**NOTE:** If additional time is required, the County Director or designee shall allow a reasonable additional period of time.

3. Upon request, provide additional corroborative evidence.

**NOTE:** If additional evidence is necessary, the Eligibility Case Manager must promptly notify the applicant or participant that additional evidence is required, specifying the type of document needed and how to obtain it.

#### **PROOF OF GOOD CAUSE**

A good cause claim may be corroborated with the following types of evidence:

1. Birth certificates or medical or law enforcement records that indicate that the child was conceived as the result of incest or forcible rape;
2. Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction;
3. Court, medical, criminal, child protective services, social services, psychological, or law enforcement records that indicate that the putative (assumed to be such) father or non-custodial parent might inflict physical or emotional harm on the child or caretaker relative;
4. Medical records which indicate emotional health history and present emotional health status of the caretaker relative or the child;
5. Written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the caretaker relative or the child;
6. A written statement from a public or licensed private social agency indicating that the applicant or participant is being assisted by the

agency to resolve the issue of whether to keep the child or relinquish him for adoption; or

7. Sworn statements from individuals, other than the applicant or participant, with knowledge of the circumstances that provide the basis for the good cause claim.

## **DETERMINING GOOD CAUSE**

The County Director or designee will determine that pursuing cooperation may be "against the best interests of the child" based on the evidence provided by the applicant or participant. The determination will be made within thirty (30) days from the day the claim is made. This time period may be extended only when the agency documents a need for additional time because information cannot be obtained within the time period, or the claimant cannot provide evidence within this time period. Confidentiality must be protected at all times during an investigation.

The following guidelines are provided to assist the County Director or designee in the determination process:

A finding of good cause for reasonably anticipated physical or emotional harm to the caretaker relative must be of such nature or degree that it reduces the relative's capacity to adequately care for the child. Consideration will be given to the following:

- a. The present emotional state of the individual subject to emotional harm;
- b. The emotional health history of the individual;
- c. Intensity and probable duration of the emotional impairment;
- d. The degree of cooperation required; and
- e. The extent of the involvement of the child in the pursuit of support.

In addition to making the good cause determination, the County Director or designee must investigate a good cause claim when:

1. The claim is based on the anticipation of physical harm and the county director/designee believes the claim is credible without supporting evidence and such evidence is not available; or
2. The individual's statement together with the supporting evidence, does not provide a sufficient basis for making a determination.

In conducting an investigation, it may become necessary to contact the non-custodial parent. In that case, notify the applicant/participant prior to making the contact. Give the applicant/participant the opportunity to present additional evidence or information, to withdraw the application, or request case closure thus making the contact with the non-custodial parent unnecessary.

► **GOOD CAUSE  
DECISION**

The final determination that good cause does or does not exist will:

1. Be documented in writing;
2. Contain the County Director's/designee's findings and basis for the decision; and
3. Be entered into the case record.

**If the good cause claim is denied:**

1. Notify the applicant/recipient of the decision. The applicant/recipient must be given the opportunity to agree to cooperate and complete the CSED referral process, withdraw the application, or request case closure;
2. Inform the applicant/recipient that failure to cooperate as requested by CSED will result in his/her needs not being included in the medical coverage; and
3. Immediately file the HCS/CS-332 with CSED.

**If the good cause claim is approved:**

1. Notify the applicant or recipient of the decision;
- 2. **Do not send the HCS/CS-332's to CSED. Retain in the case file; and**
- 3. Complete the TEAMS Absent Parent (ABP) screens. **Enter an OPA cooperation code of 'GC' on ABP1.**

► **NOTE:** The entry of a 'GC' code will trigger a referral to SEARCHS. This electronic referral is necessary for CSED to meet their federal regulations. However, the referral will be flagged on the CSED side and child support will not be pursued.

**PERIODIC REVIEW  
OF GOOD CAUSE**

Cases, in which the good cause determination is based on circumstances which may change, must be reviewed no less than every six (6) months.

If it is determined that good cause no longer exists, the Eligibility Case Manager will state the findings and require the participant to cooperate as stated in this section. The completed HCS-332 will be sent to CSED.

**SUPPRESSING  
INFORMATION**

Under certain circumstances the CSED (Child Support Enforcement Division) will **suppress address information** of the custodial parent (Section 306-1). If the information is not suppressed, the address of the custodial parent will be included on legal notices sent to the non-custodial parent. It is critical to discuss this policy with the custodial caretaker relative to assure the family's safety will be protected. (Section 306-1)



**NOTE:** Entry of a Good Cause ('GC') code on ABP1 will trigger CSED to suppress address information.

**TEAMS  
PROCESSING**

Non-custodial parent(s) data, cooperation/good cause information (whether the applicant or participant is cooperating with Child Support, is exempt from cooperating, or has good cause not to cooperate) is entered on the **ABP** screens. This information will interface with the Child Support Enforcement Division via SEARCHS, CSED's automated system.



See Section 306-1 for more information regarding the interface between TEAMS and SEARCHS.



More information regarding the TEAMS screens is contained in the TEAMS User Guide on the TEAMS Training Website.

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